

Bicester Town Centre Development, Manorsfield Road, Bicester

13/00896/ADV

Ward: Bicester Town

District Councillor: Cllrs Mrs Diana Edwards
& Cllr D M Pickford

Case Officer: Rebecca Horley

Recommendation: Approval

Applicant: Town Centre Retail (Bicester) Ltd c/o agent WYG Planning & Environment

Application Description: 1 No. illuminated fascia signage to car park ramp elevation

Committee Referral: Council's interest in the land

1. Site Description and Proposed Development

- 1.1 The siting of the sign is on the outside ramp wall of the Sainsbury's car park facing onto Manorsfield Road which is part of the town centre redevelopment. The sign is made up of 1533mm high illuminated acrylic lettering on individual metal framework fixed to the ramp wall behind. The lettering is Sainsbury's corporate orange colour and the illumination is proposed to be 73 cd/m with each individual letter being back lit. The whole sign stands approximately 6m from the ground.
- 1.2 The site is constrained by its proximity to the Conservation Area though the siting of the advert is not within the Conservation area. There are also listed buildings near to the red line area of the site but these are on Sheep Street. There nearest residential properties are some 50m from the site on the west side of Manorsfield Road

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comment was 1st August 2013.
- 2.2 One letter of objection has been received from a neighbour at Hunt Close stating that the advertisement will cause orange light to fall on our house in the winter months. There is already too much light pollution from this development and no offsetting measures have been instigated. This does not comply with the National Planning Policy Framework.

3. Consultations

- 3.1 **Bicester Town Council:** Comments awaited.

Cherwell District Council Consultees

- 3.2 **Anti-Social Behaviour Manager:** The proposed signage has a relatively of level of illumination however it is in a prominent position on the car park building which is in view from dwellings on the opposite side of Manorsfield Road. It is, therefore, recommended that the use of illumination to the sign be conditioned to shop trading hours between 07:00 and 23:00 hrs if 24 hours operation is being undertaken.

Oxfordshire County Council Consultees

3.3 **Highways:** No objection.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

ENV1: Pollution control

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (August 2012) and changes (March 2013)

The consultation to the draft Local Plan is now concluded. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, in order to reflect the thrust of the guidance for a *presumption in favour of sustainable development*, planning permission should be granted unless harm can be identified. The NPPF further advises that the key interests are considered to be as follows:

- Public safety
- Amenity

Public Safety

5.2 Oxfordshire County Council Highways raises no objections to the application on the grounds of highway safety. It is considered that the application will not have a detrimental impact on public safety in accordance with Government guidance contained within the NPPF.

Amenity

5.3 Paragraph 67 of the NPPF states that 'only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment'. Where there is a historic context, para 126 states that LPAs should take into account the desirability of sustaining and enhancing the significance of heritage assets with the desirability of new development making a positive contribution to local character and distinctiveness. It is clear also

from para 56, that the Government attaches great importance to the design of the built environment. Development should contribute positively to making places better for people.

- 5.4 Each letter is proposed to be back lit and at a luminance level of 73 cd/m which is considered to be acceptable in a modern and new shopping area. Whilst there is a historic context nearby (Conservation Area including listed buildings), it is considered that the relationship to the historic core of Sheep Street to the actual siting of the sign is not appreciable and ought not to be a constraint to the development. The application is considered acceptable in terms of the impact it will have on the visual amenities of the area.
- 5.5 In residential amenity terms, the sign is high level and will be visible from residential properties but the distance should prevent any undue harm provided it is conditioned as proposed by the Anti-social behaviour manager.

Engagement

- 5.6 With regard to the duty set out in paragraphs 186 and 187 of the National Planning Policy Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.7 Having considered the issues arising, namely effect on public safety and amenity it is considered that the advertisement proposal is acceptable in terms of its compliance with policy and central Government guidance and ought to be approved, subject to conditions.

6. Recommendation

Approval, subject to the following conditions:

1. At the end of a period of five years from the date of this decision, this consent for the display of advertisements will lapse.

Reason - By virtue of Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Drawing no. 04075/P7-01 Rev B received on 16.07.13.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. (a) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(b) No advertisement shall be sited or displayed so as to:-

- (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or

aid to navigation by water or air; or
(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason - By virtue of Regulation 14 (1) (a) and Schedule 2, of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. The maximum luminance of the internally illuminated sign hereby approved shall not exceed 100 cds per sqm.

Reason - In the interests of amenity and to comply with Government guidance contained within the National Planning Policy Framework.

5. The sign hereby permitted shall only be illuminated during shop trading hours or between 07:00 and 23:00 hrs should the store be in operation for 24 hours.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.